* COUNTY BOARD OF APPEALS

* CASE NO. 91-472-SPH * * * * * * * * *

OPINION

This case comes before this Board on appeal from a decision of the Deputy Zoning Commissioner denying the nonconforming use of the property as a three-apartment dwelling. Petitioner's attorney in opening statement amended the Petition so that the special hearing was now to approve a nonconforming use that would only allow two apartments in the building, one on the first floor and one on the second floor.

Robert Cooper, Petitioner, testified he became the property owner in June 1990 and that he purchased the property from Richard and Catherine Jensen. He testified and entered exhibits showing the condition of the house and the condition of the neighboring homes in detail. He testified that the house was in a semi-rundown condition and enumerated all the improvements that he has undertaken since its purchase, and testified that he has expended \$24,600.00 on improvements to the house, as of this date. He further testified that he is only interested in renting the house as two apartments. He further testified that he will provide offstreet parking in the rear of the building and noted that he has a contractor ready to install this parking if granted the use as two apartments. Petitioner on the record stated that in the event the

subject property; however, he indicated that the second floor apartment was occupied by a friend of his mother, the third floor apartment was occupied by a maiden aunt, and the first floor was occupied by his mother, Mrs. Olsen. The sum of his testimony was that from 1932 to the present, the house was continuously used as three apartments and that there were no interruptions in such use.

Appearing and testifying in opposition to the relief requested was Harry Robertson who resides at 1256 Greystone Road. Mr. Robertson testified that he moved to his property in 1939 and that he grew up with Mr. Jensen. He testified that he was inside the subject dwelling when he was a youngster in the 1940s. Mr. Robertson testified that the dwelling was built as two apartments only and that there was not a third apartment in the house. He testified that what has been referred to as the third floor apartment is really the attic of the house. His testimony as to the house only containing two apartments is further corroborated by the fact that there are only two gas and electric meters in service at this location. Mr. Robertson indicated that there never was a third meter and that two of the present apartments share the same gas and electric meter. Mr. Robertson further testified that Mrs. Olsen lived by herself in the subject dwelling for approximately 10 years from about 1980 until 1990. He testified that she lived alone in the house during that period and that no other persons lived in the dwelling.

Henry Williams appeared and testified in opposition to the relief requested. Mr. Williams resides at 1251 Greystone Road, across from the subject property. Mr. Williams testified that he moved to this location in 1960 but that his wife, who was also present at the hearing, has lived at 1251 Greystone Road since 1919. Mr. Williams testified that he too

Case No. 91-472-SPH Robert C. Cooper, et ux

neighboring property at 1248 Greystone Road was sold parking access will be provided to the rear of 1250 Greystone Road. He further testified that the existing kitchen formerly used to service the third floor will be permanently removed.

Richard Jensen next testified as to the use of the property to his knowledge. He testified that the property was owned by his mother, whose health failed, and that he conducted the sale of the property to Mr. Cooper. He testified that the structure was built in 1932 and built as a rental unit. In 1943 he moved into the second floor apartment of this house and lived there until the Fall of 1960. He testified that there have been no significant changes to the interior or exterior of the building other than the improvements done by Mr. Cooper. He testified that his mother lived in the second floor apartment until 1983, and paid rent to Lizette Olsen, who owned the building and lived in the first floor apartment. Mrs. Olsen died December 14, 1983, and within a couple of months, Mrs. Jensen moved to the first floor, and Mr. Harold Green moved into the second floor apartment, where he resided until August of 1986, paying rent to Mrs. Jensen who inherited the property immediately upon Lizette Olsen's death. The second floor apparently remained vacant until sometime prior to the Spring of 1987 when Mrs. Jeannette Auditore moved in. She resided there until January 1990, paying rent to Mrs. Jensen. Mrs. Jensen became ill and gave up her residence on May 8, 1990, with Mr. Jensen continuing to live there until he sold the property to Mr. Cooper on June 1, 1990. This concluded Petitioner's case.

observed the fact that Mrs. Olsen resided on the subject property by herself for approximately the same period of time to which Mr. Robertson previously testified. Mr. Williams testified that there were no other occupants or tenants of the property but for Mrs. Olsen during the 1980s.

Bernice Bucklein appeared and testified in opposition to the relief requested. Ms. Bucklein testified that she has resided at 1247 Greyston Road since 1969. She testified that she knew Mrs. Olsen and that Mrs. Olsen lived on the property by herself after her sister died in the 1980s. Ms. Bucklein also corroborated the testimony of Mr. Robertson that Mrs. Olsen lived in the house by herself and there were no other tenants or occupants living in the house in the 1980s but for Mrs. Olsen.

The Petitioners are seeking a nonconforming use of the subject property as three apartments. Section 104 of the Baltimore County Zoning Regulations (B.C.Z.R.) addresses nonconforming uses. Section 104.1 states as follows:

> "A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these Regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75) per cent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used."

As with all non-conforming use cases, the first task is to determine what lawful non-conforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning.

Case No. 91-472-SPH Robert C. Cooper, et ux

Harry Robertson testified as a protestant and testified that he had lived at 1256 Greystone Road for 53 years, that he knew the Jensens, and that he was not opposed to the property as a twoapartment dwelling but was concerned about the parking problems created by this multi-family use.

After consideration of the testimony and evidence presented the Board this day, the Board is of the opinion that a nonconforming use as a multi-family dwelling is a lawful nonconforming use, and that the Petition filed by the Petitioner which has been amended to reduce the use to a two-apartment dwelling and which includes a parking plan entered as Petitioner's Exhibit No. 9 shall be approved as submitted.

ORDER

IT IS THEREFORE this 19th day of March , 1992 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing for a nonconforming use for two apartments be and the same is hereby GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

John G. Disney

Lilliam I Hackell William T. Hackett, Chairman More was C. William Clark

IN RE: PETITION FOR SPECIAL HEARING N/S Greystone Road, 85' E of the c/l of Seven Oaks Road (1250 Greystone Road)

Petitioners

13th Election District

1st Councilmanic District

Robert C. Cooper, et ux

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 91-472-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

The Petitioners herein request a special hearing to approve the nonconforming use of the subject property as three apartments, in accordance with Petitioner's Exhibits 1 and 2.

The Petitioners appeared and testified. Appearing as Protestants in the matter were Harry C. Robertson, Robert and Bernice Bucklein, and Henry and Helen Williams, all residents of the area.

Testimony indicated that the subject property, known as 1250 Greystone Road, consists of 0.1377 acres zoned D.R. 5.5 and is improved with a one and one-half story dwelling. Upon receipt of a zoning violation notice, Petitioners were advised to file the instant Petition to establish the nonconforming use of the subject dwelling as three apartments. The Petitioners provided a video-taped testimony of a Mr. Jensen who was the son of the original owner of the property and also resided on the property himself. His testimony provided that the subject dwelling was built in 1932 as a three apartment dwelling. His testimony indicated that there was an apartment on the first floor of the dwelling, a second apartment on the second floor of the dwelling and a third studio apartment on the third floor. Mr. Jensen indicated that all three units were rented and occupied by members of his family from 1932 until 1983. From 1983 until 1990, Mr. Jensen's testimony was somewhat vague as to the use of the

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the non-conforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered non-conforming. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A2d.

When the claimed non-conforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the non-conforming use, the Zoning Commissioner should consider the following factors:

> "(a) To what extent does the current use of these lots reflect the nature and purpose of the original non-conforming use;

(b) Is the current use merely a different manner of utilizing the original non-conforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original non-conforming use."

McKemy v. Baltimore County, Md., Supra.

96 (1978).

It is clear from the testimony and evidence presented that there has been an abandonment or discontinuance of such nonconforming use of two
of the three apartments for a period of one year or more, inasmuch as the of the three apartments for a period of one year or more, inasmuch as the subject dwelling was occupied only by Mrs. Olsen during the 1980s. As such, there has been an abandonment or discontinuance of at least two of

the three apartments the Petitioners claim are nonconforming. Because Mrs. Olsen was the only resident of the subject dwelling for almost ten years during the 1980s, the right to continue or resume such nonconforming use for the other two apartments is lost. The wording of Section 104 of the B.C.Z.R. is clear. A nonconforming use may continue except that if any abandonment or discontinuance of such nonconforming use for a period of one year or more occurs, then the right to continue or resume such use shall terminate.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of August, 1991 that the Petition for Special Hearing to approve the nonconforming use of the subject dwelling as three apartments, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the subject dwelling shall be used only as a single family dwelling from this day forward.

> Deputy Zoning Commissioner for Baltimore County

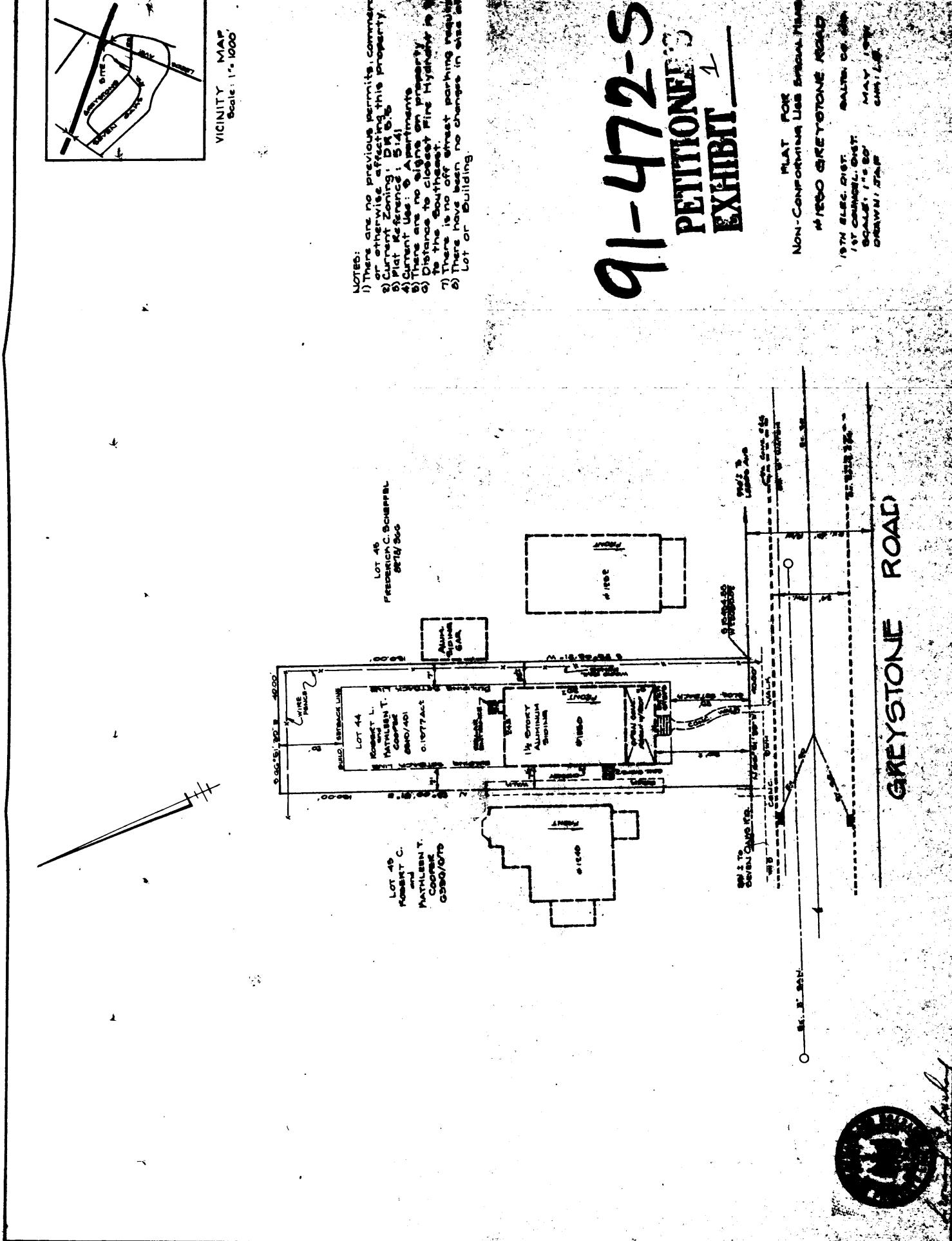
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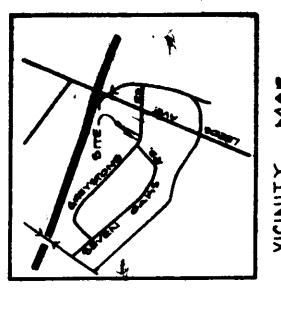
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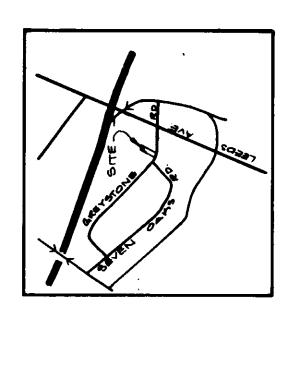
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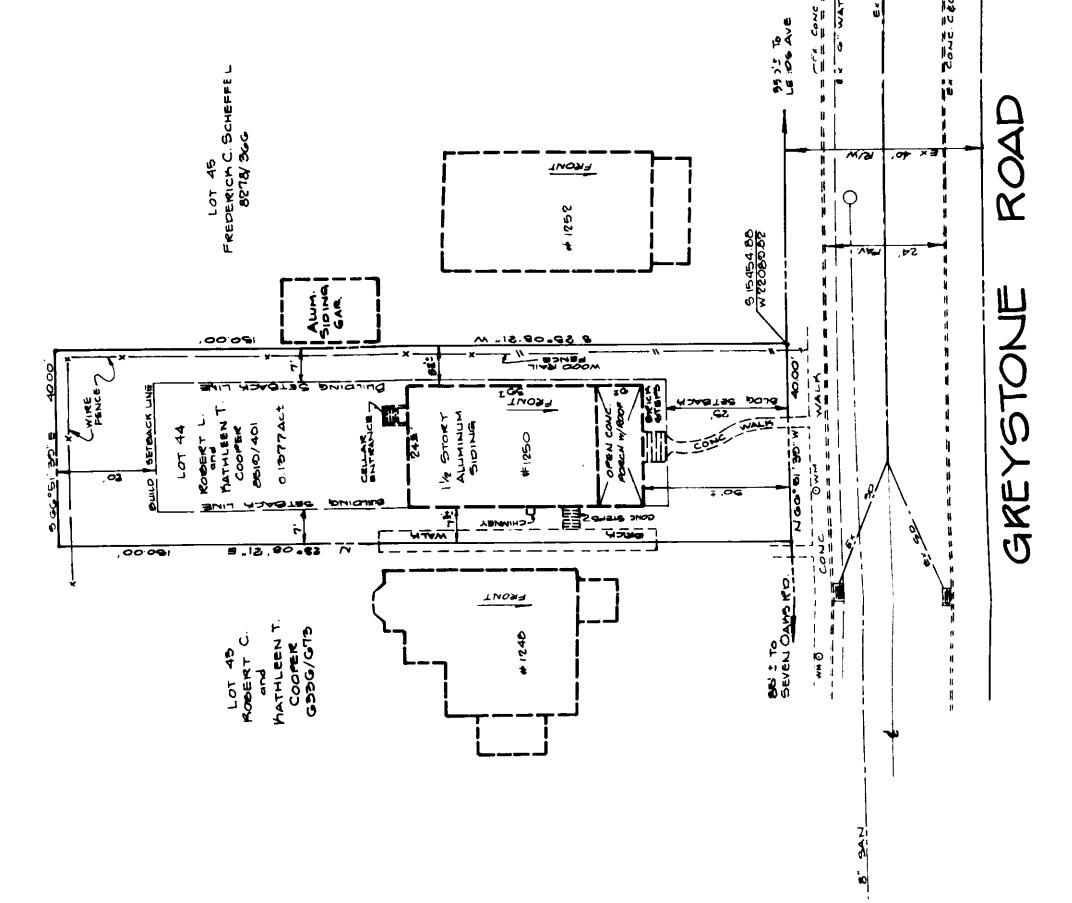




Notes:

1) There are no previous permits, commercial or otherwise affecting this property
2) Current Zoning: D.R. B.
3) Flat Keference: 5:4]
4) Current Use: 9 Apartments
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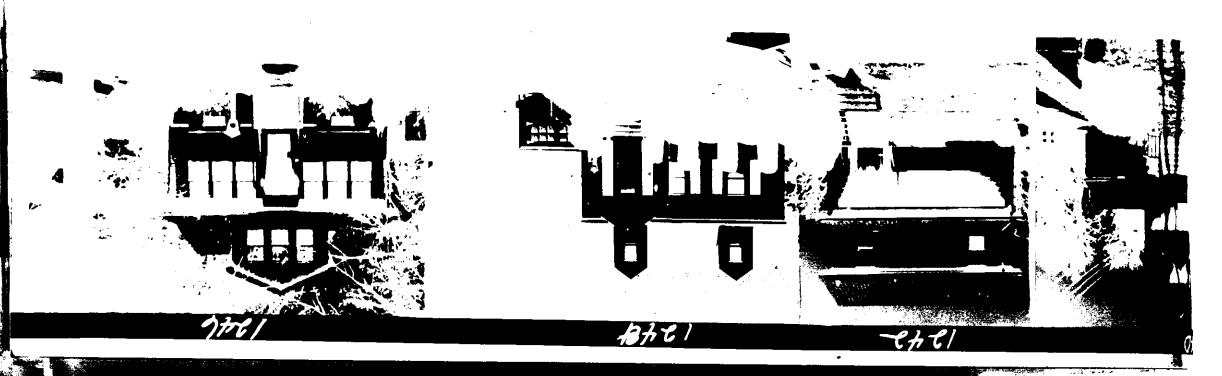






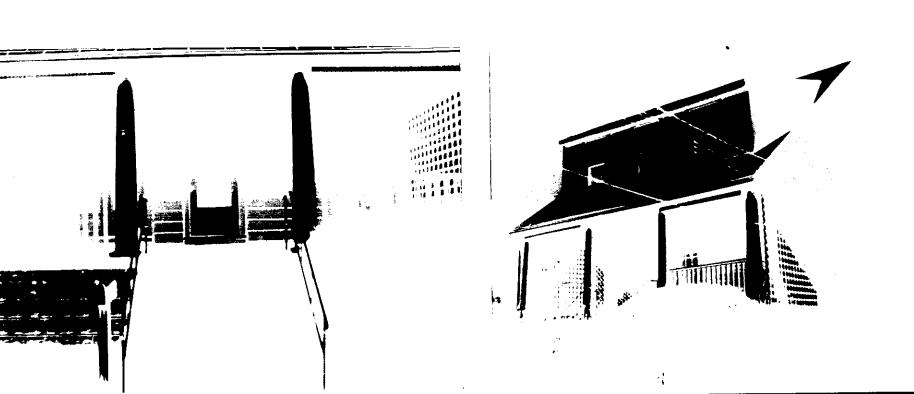


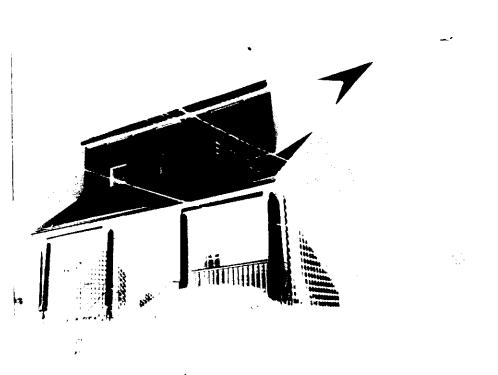




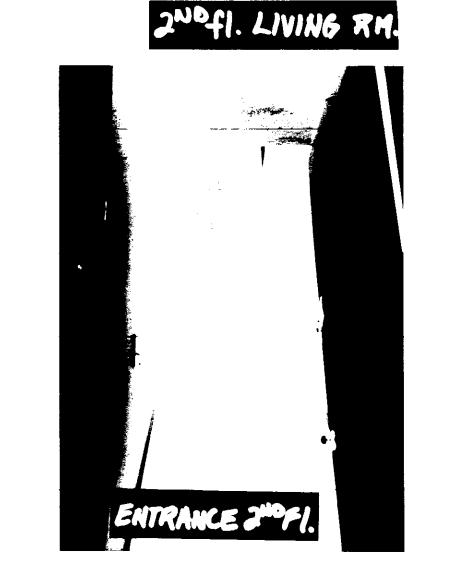




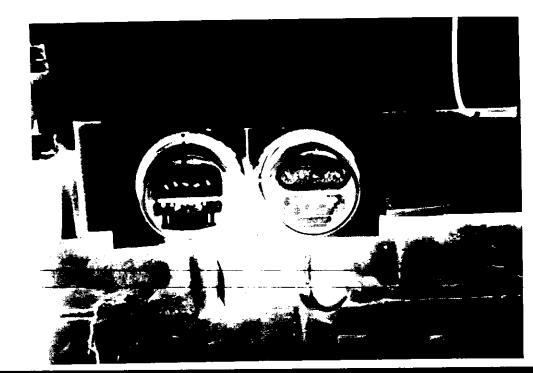


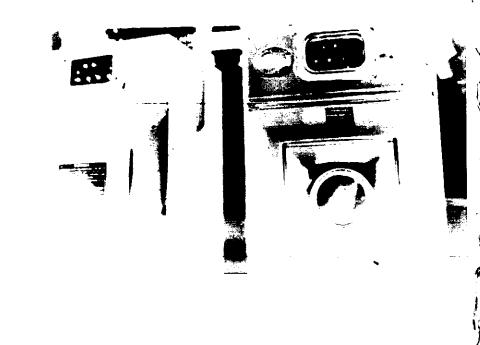




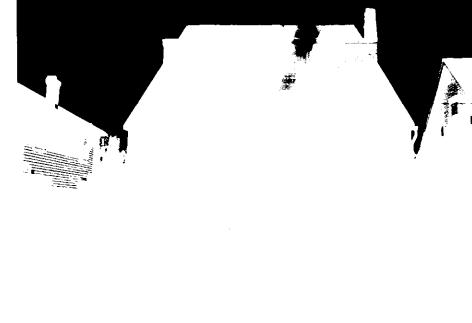














REAR 1250





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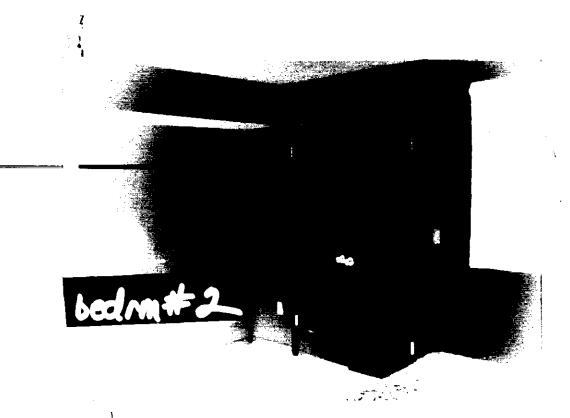


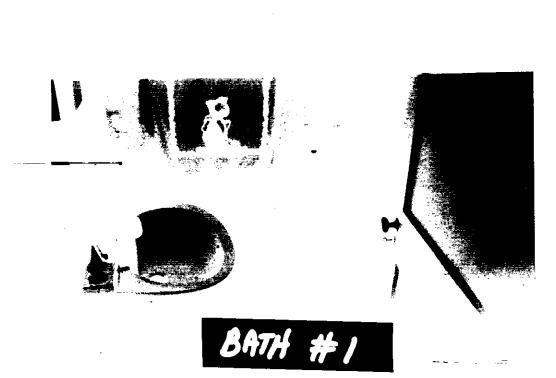




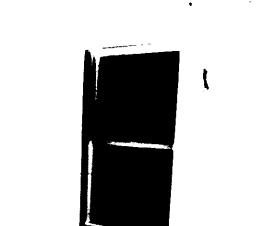














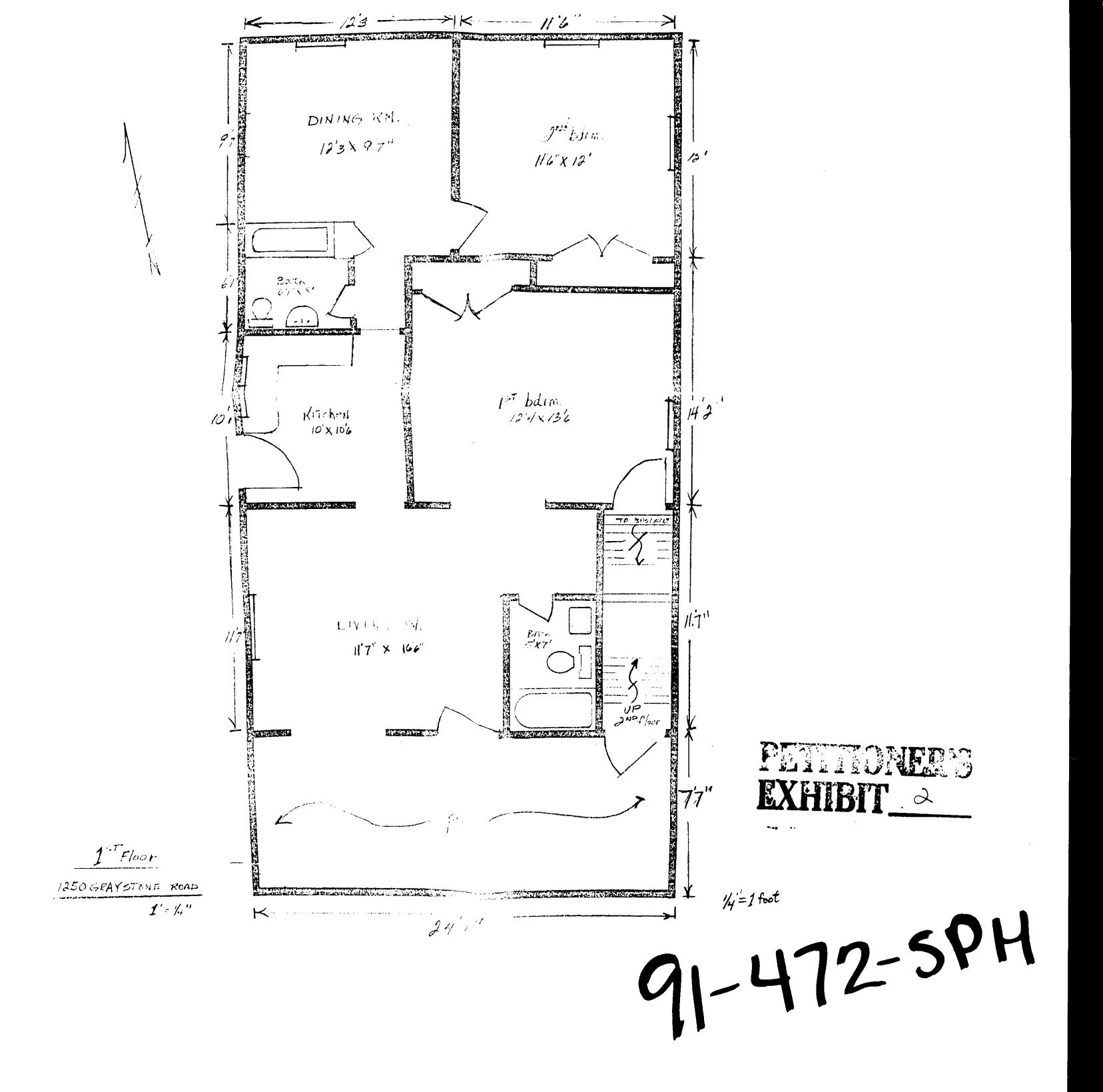


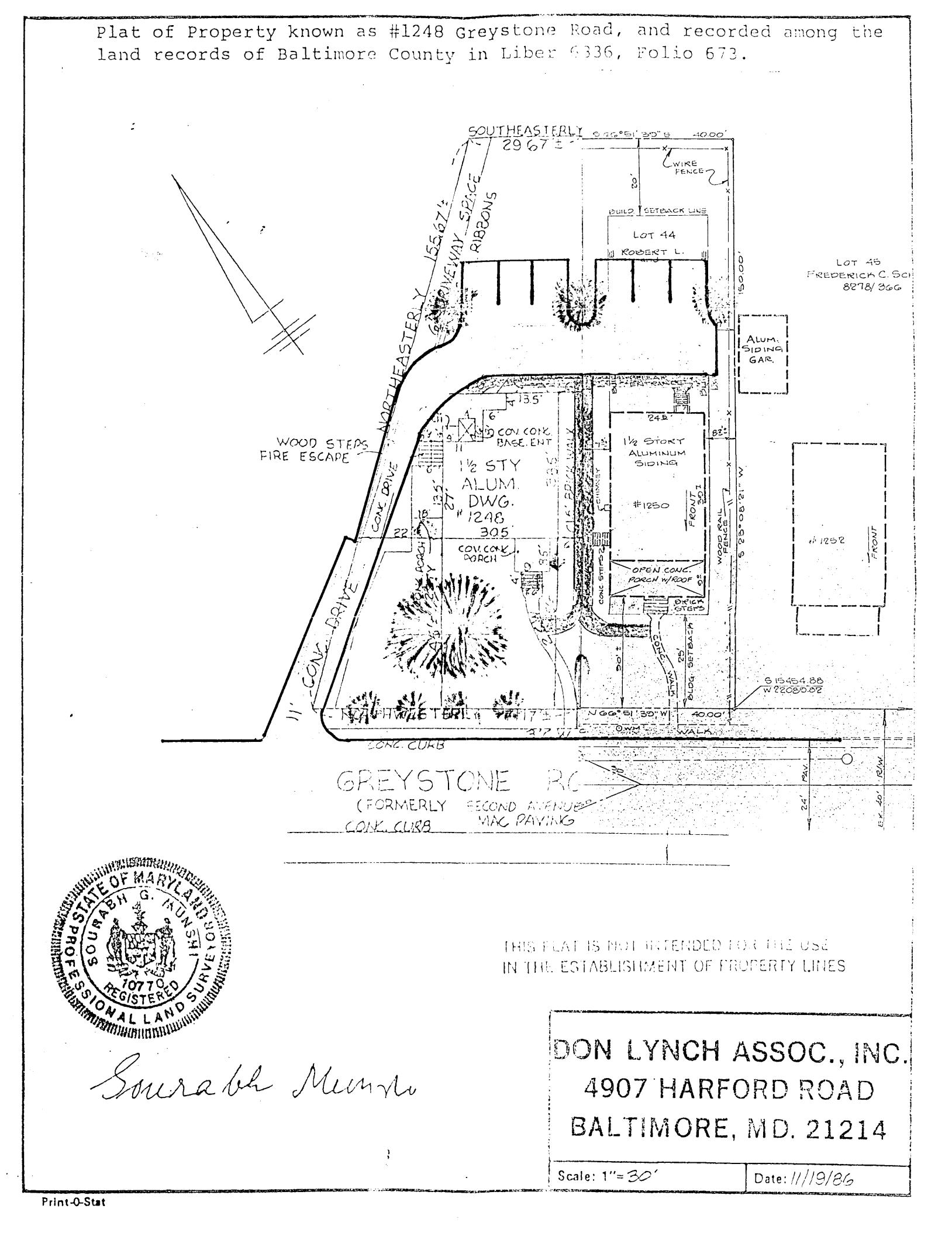
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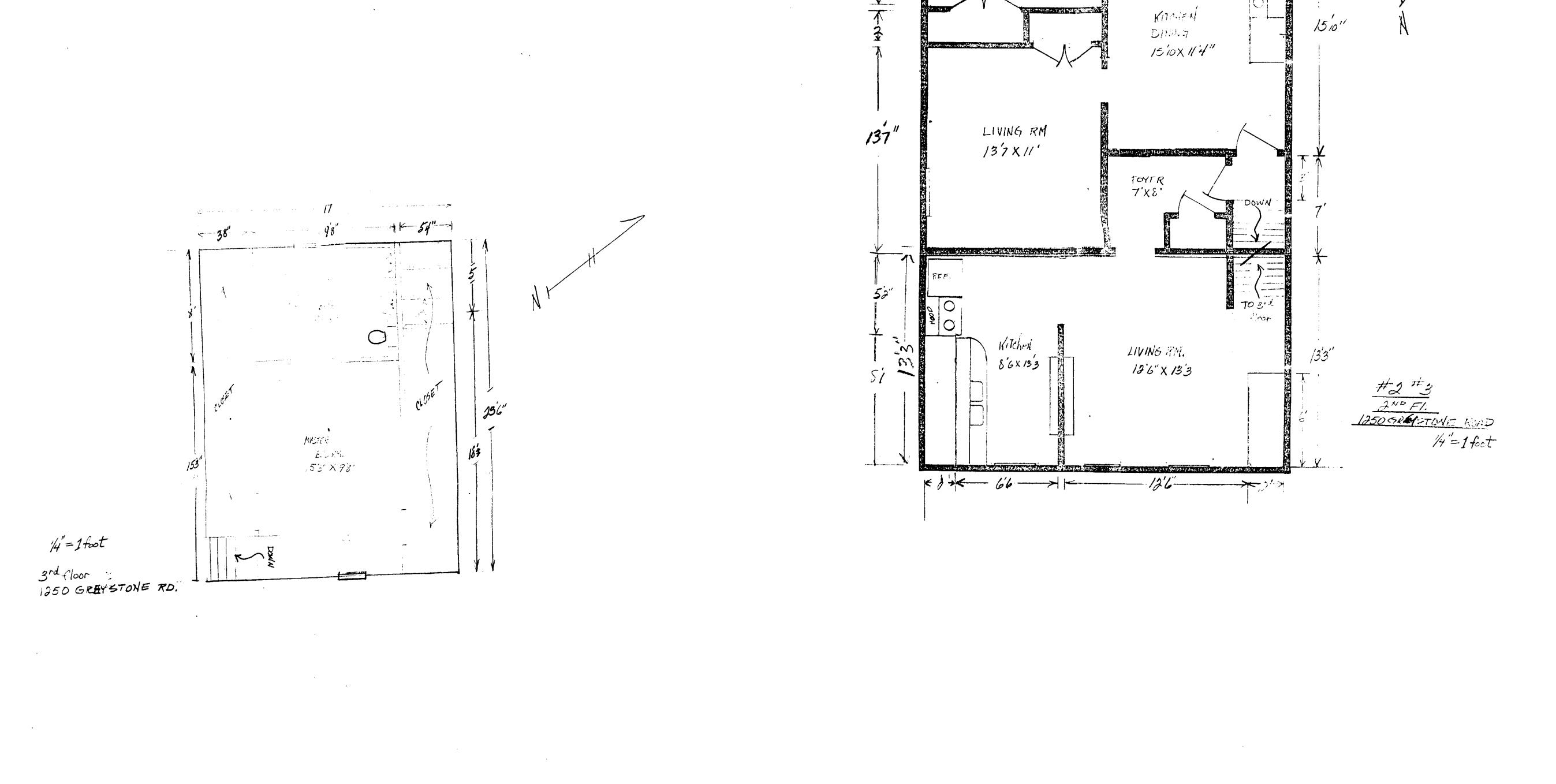
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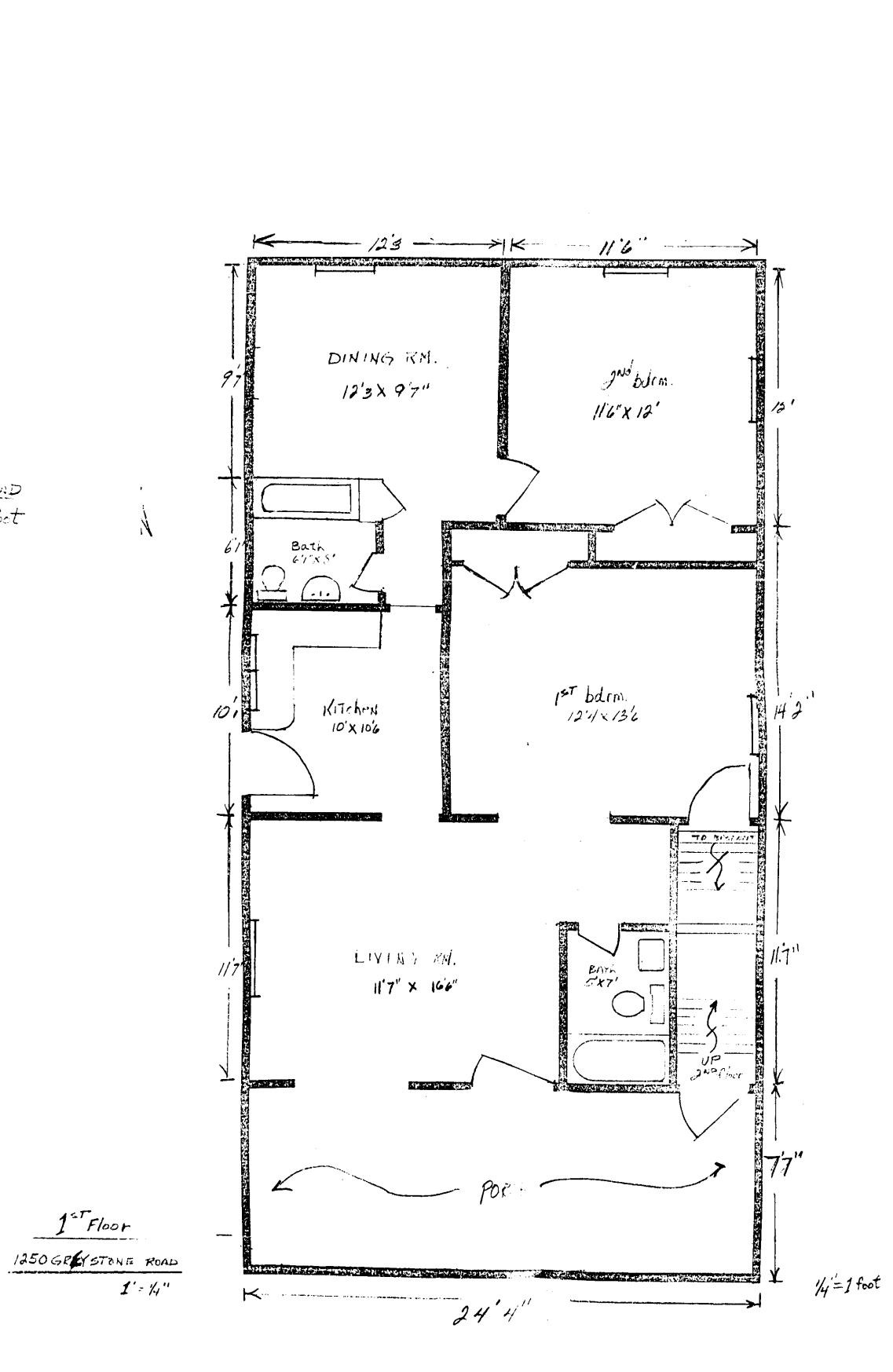
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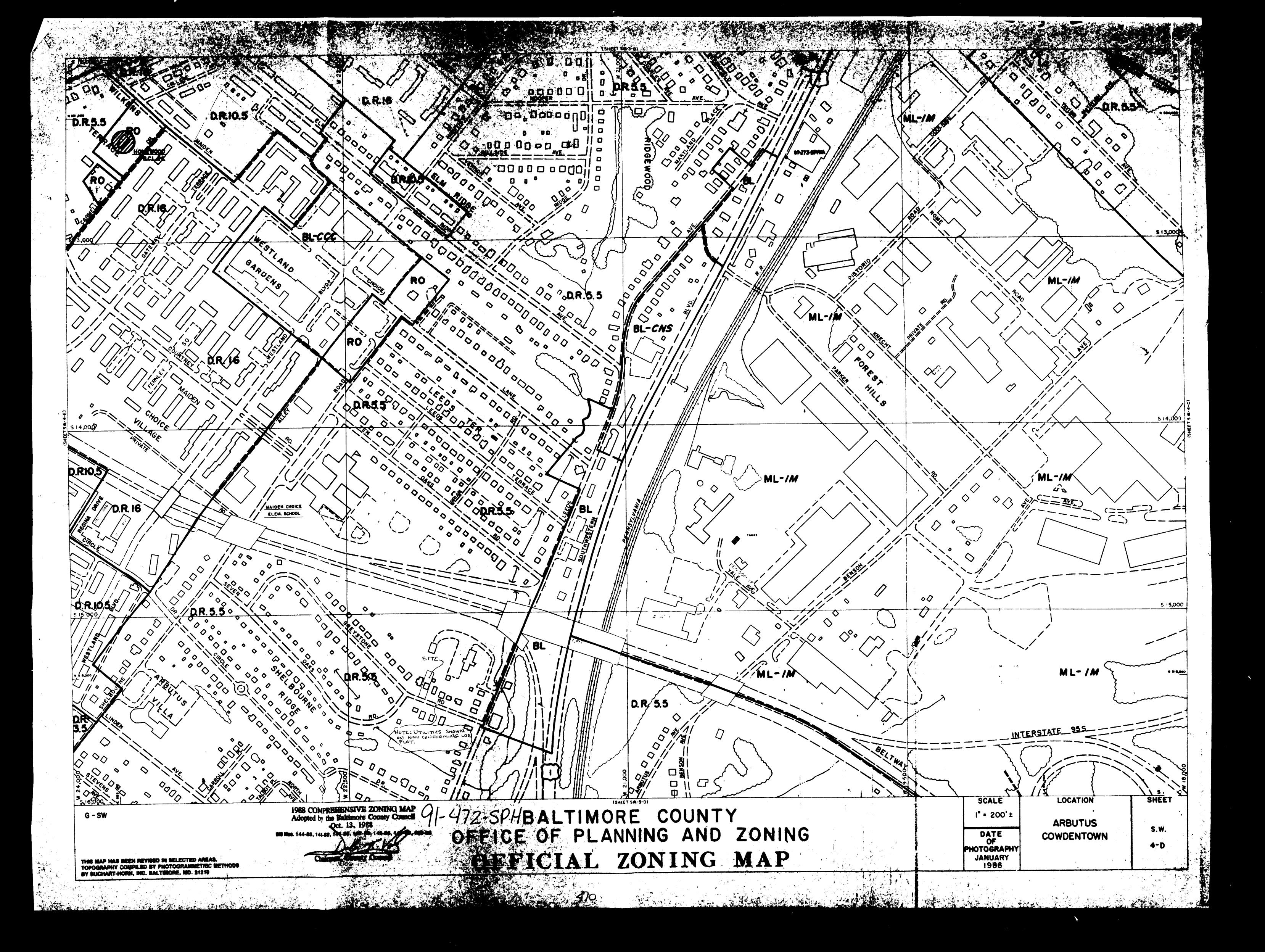


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PETTITION FOR SPECIAL MEANING

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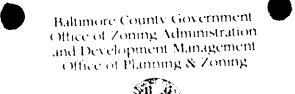
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Tables Services



SS 3353

Towson, MD 2120+

nine 24, 1991

111 West Chesapeake Avenue

NOTICE OF HEARING

The Zoning Communicationer of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-472-SPH N/S Greystone Road, 85*(+/-) Ely of c/l Seven Oaks Road 1250 Greystone Road 13th Election District - 1st Councilmanic Petitioner(s): Robert C. Cooper, et ux HEARING: WEDNESDAY, AUGUST 14, 1991 at 2:00 p.m.

Special Hearing to approve a non-conforming use as three apartments.

J. Robert Sprines

Zoning Commissioner of Baltimore County

co: Robert C. Cooper, et ux Bernice Bucklaw Henry Williams

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

411 West Chesapeake Avenue Towson, MD 2120+

887 3353

July 19, 1991

Mr. & Mrs. Robert C. Cooper 204 North Rolling Road Baltimore, MD 21228

> RE: Item No. 470, Case No. 91-472-SPH Petitioner: Robert C. Cooper, et ux Petition for Special Hearing

Dear Mr. & Mrs. Cooper:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

Enclosures

Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 2120+

88 3353

Your petition has been received and accepted for filing this 19th day of June, 1991.

Baltimore County Government

Received By:

Zoning Plans Advisory Committee

Petitioner: Robert C. Cooper, et ux Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

DATE: June 26, 1991

INTER-OFFICE CORRESPONDENCE

J. Robert Haines

Zoning Commissioner

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Robert C. Cooper, Item No. 470. John V. Dimenna, Item No. 468 Doris Lee Eller, Item No. 413 Beverly J. Donnelly, Item No. 473

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

VARITEMS.JL/ZAC1

ZENING ENFORCEMENT Baltimore County Zoning Office Towson, Maryland 21204

INTER-OFFICE CORRESPONDENCE

TC. James E. Dyor PATE: April 23, 1991 Zoming Supervisor

FROM: James H. Thompson

Zoning Enforcement Coordinator

RE. Item No. (if known) Petitioner: Robert C. and Kathleen T. Cooper (if known)

VIOLATION CASE # C-91-1324

LOCATION OF VIOLATION 1250 Greystone Road Baltimore, MD 21227

DEFENDANT Robert C. and Kathleen T. Cooper

ADDRESS 204 N. Rolling Road Baltimore, MD 21228

Flease be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

<u>ADDRESS</u>

1247 Greystone Road

Baltimore, MD 21227

Mrs. Henry Williams 1251 Greystone Road Baltimore, MD 21227

After the public hearing is held, please send a copy of the Zoning ommissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

bernice Bucklaw

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: June 25, 1991

Mr. J. Robert Haines Zoning Commissioner

Rahee J. Famili SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: June 18, 1991

This office has no comments for items number 468, 470, 472 and 473.

Traffic Engineer II

Baltimore County Government Fire Department



700 East Joppa Road Suite 901 Towson, MD 21204-5500

Towson, MD 21204

JUNE 18, 1991

(301).887.4500

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Raltimore County Office Building

Ph: Property Owner: ROBERT C. COOPER

#1250 GREYSTONE ROAD

Item No.: 470 Zoning Agenda: JUNE 18, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

JK/KEK

comments.

RWB: 6

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 19, 1991

The Developers Engineering Division has reviewed

For Items 458 and 460 the previous County Review Group

For Item 379 (#91-405-SPH), the site must be submitted

For Item 472, as of this date, the proposed 8-inch

the subject zoning items and we have no comments for

through the minor subdivision process for review and

FROM: Robert W. Bowling, P.E.

for June 18, 1991

Items 468, 470, 473 and 475.

comments still apply.

RE: Zoning Advisory Committee Meeting

sanitary sewer has not gone to contract.

111 West Chesapcake Avenue Towson, MD 2120 (

88- 3353

September 16, 1991

Baltimore County Board of Appeals County Office Building, Room 315 Towson, Maryland 21204

RE: Petition for Special Hearing N/S Greystone Road, 85' E of the c/1 of Seven Oaks Road (1250 Greystone Road) 13th Election District, 1st Councilmanic District ROBERT C. COOPER, ET UX - Petitioner Case No. 91-472-SPH

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on September 12, 1991 by S. Eric DiNenna, Attorney on behalf of the Petitioners. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

JRH:cer

Enclosures

S. Eric DiNenna, Esquire - DiNenna and Breschi Suite 600, 409 Washington Avenue, Towson, MD 21204

Harry C. Robertson - 1256 Greystone Road, Balto., MD 21228

Appeal Cover Letter - Case No. 91-472-SPH ROBERT C. COOPER, ET UX - Petitioner September 16, 1991 Page 2

File

Mr. & Mrs. Robert Bucklein - 1247 Greystone Road, Balto., MD 21228 Mr. & Mrs. Henry Williams - 1251 Greystone Road, Balto., MD 21228 People's Counsel of Baltimore County Rm. 304, County Office Bldg., Towson, Md. 21204

Zoning Commissioner

cc: Mr. & Mrs. Robert C. Cooper 204 North Rolling Road, Baltimore, MD 21228

1992 at 10:00 a.m.:

Mr. and Mrs. Robert C. Cooper

Mr. and Mrs. Robert Bucklein

Mr. and Mrs. Henry Williams

Maiden Choice Community Assoc.

People's Counsel for Baltimore County

DiNenna and Breschi

P. David Fields

Public Services

James E. Dyer

Arnold Jablon

Lawrence E. Schmidt

W. Carl Richards, Jr.

Docket Clerk - Zoning

Timothy M. Kotroco

Pat Keller

Mr. Harry C. Robertson

Ms. Eleanor VanDevender

1/14/92 - Following parties notified of hearing set for March 19,

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 (410) 887-3180

March 16, 1993

Phyllis Cole Friedman People's Counsel for Baltimore County Room 47, Old Courthouse 400 Washington Avenue Towson, MD 21204

> RE: Case No. 91-470-XA Lawrence L. Feehely

Dear Ms. Friedman:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Jokhenn Meiner kummer 'Nathleen C. Weidenhammer Administrative Assistant

13-2644

Enclosure

cc: Mr. Eugene L. Shaver Mr. Charles L. Brehm Mr. James W. Mohlen Mr. John Handy Mr. Peter W. Wilkey, Jr. Mr. William E. Armstrong, Jr. P. David Fields Lawrence E. Schmidt Timothy M. Kotroco Docket Clerk -Zoning



APPEAL

Petition for Special Hearing N/S Greystone Road, 85' E of the c/l of Seven Oaks Road (1250 Greystone Road) 13th Election District - 1st Councilmanic District ROBERT C. COOPER, ET UX - Petitioner Case No. 91-472-SPH

Petition for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments (Included with ZAC Comments)

Petitioner's Exhibits: 1. Plat to accompany petition

2. Floor Plans

Affidavit

Deputy Zoning Commissioner's Order dated August 22, 1991 (Denied) Notice of Appeal received September 12, 1991 from S. Eric DiNenna, Attorney on behalf of the Petitioners

cc: Mr. & Mrs. Robert C. Cooper 204 North Rolling Road, Baltimore, MD 21228

S. Eric DiNenna, Esquire - DiNenna and Breschi Suite 600, 409 Washington Avenue, Towson, MD 21204

Harry C. Robertson - 1256 Greystone Road, Balto., MD 21228

Mr. & Mrs. Robert Bucklein - 1247 Greystone Road, Balto., MD 21228

Mr. & Mrs. Henry Williams - 1251 Greystone Road, Balto., MD 21228

People's Counsel of Baltimore County Rm. 304, County Office Bldg., Towson, Md. 21204

Public Services

Request Notification: P. David Fields, Director of Planning & Zoning Patrick Keller, Office of Planning & Zoning J. Robert Haines, Zoning Commissioner Ann M. Nastarowicz, Deputy Zoning Commissioner James E. Dyer, Zoning Supervisor W. Carl Richards, Jr., Zoning Coordinator Docket Clerk Arnold Jablon, Chief Deputy County Attorney

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE

TOWSON, MARYLAND 21204 (410) 887-3180

February 9, 1993

G. Warren Mix, Esquire TURNBULL, MIX & FARMER 706 Washington Avenue Towson, MD 21204

> RE: Case No. 91-470-XA Lawrence L. Feehely

Dear Mr. Mix:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

> Sincerely, Katherin Cherrinkammer 'Kathleen C. Weidenhammer Administrative Assistant

Mr. Eugene L. Shaver Mr. Charles L. Brehm Mr. James W. Mohlen Mr. John Handy Mr. Peter W. Wilkey, Jr. Mr. William E. Armstrong, Jr. People's Counsel for Baltimore County Public Services P. David Fields Lawrence E. Schmidt Timothy M. Kotroco W. Carl Richards, Jr. Docket Clerk - Zoning -

Arnold Jablon, Director of Zoning Admin.

cc: Mr. Lawrence L. Feehely

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 (410) 887-3180

March 19, 1992

Francis X. Borgerding, Jr., Esquire DINENNA AND BRESCHI Mercantile-Towson Building 409 Washington Avenue Towson, MD 21204

> RE: Case No. 91-472-SPH Robert C. Cooper, et ux

Dear Mr. Borgerding:

encl.

Suite 600

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

> Sincerely, breun de budenhammer Kathleen C. Weidenhammer Administrative Assistant

cc: Mr. & Mrs. Robert C. Cooper Mr. Harry C. Robertson Mr. & Mrs. Robert Bucklein Mr. & Mrs. Henry Williams Ms. Eleanor VanDevender Maiden Choice Community Assn. P. David Fields Lawrence E. Schmidt Timothy M. Kotroco W. Carl Richards, Jr. Docket Clerk - Zoning Arnold Jablon, Director of Zoning Administration

Printed on Recycled Paper



County Board of Appeals of Baltimore County

-COUNTY-OFFICE BUILDING, ROOM-315 111 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 400 WASHI KIRON AVE.

Hearing Room -Room 48, Old Courthouse (301) 887-3180 400 Washington Avenue January 14, 1992

RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF

SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH

ROBERT C. COOPER, ET UX CASE NO. 91-472-SPH

ASSIGNED FOR:

N/s Greystone Road, 85' E of c/l of Seven Oaks Road (1250 Greystone Road) 13th Election District; 1st Councilmanic District

SPH-Nonconforming use - 3 apartments 8/22/91 - D.Z.C.'s Order DENYING Petition.

THURSDAY, MARCH 19, 1992 AT 10:00 a.m.

cc: Mr. and Mrs. Robert C. Cooper - Petitioners DiNenna and Breschi - Counsel for Petitioners Mr. Harry C. Robertson

Mr. and Mrs. Robert Bucklein Mr. and Mrs. Henry Williams Ms. Eleanor VanDevender Maiden Choice Community Assoc.

People's Counsel for Baltimore County Adams A day 12 P. David Fields Pat Keller Public Services On the 2011 Lawrence E. Schmidt '

Timothy M. Kotroco James E. Dyer W. Carl Richards, Jr. Docket Clerk - Zoning Arnold Jablon, Director of Zoning Administration

LindaLee M. Kuszmaul Legal Secretary

DINENNA AND BRESCHI ATTORNEYS AT LAW

S. ERIC DINENNA, P.A. GEORGE A. BRESCHI, P.A. FRANCIS X BORGERDING, JR. (LALSO MEMBER OF DISTRICT OF

SUITE 600 MERCANTILE-TOWSON BUILDING 409 WASHINGTON AVENUE TOWSON, MARYLAND 21204

> (301) 296-6820 TELEFAX (301) 296-6884

September 10, 1991

Zoning Commissioner of Baltimore County County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

RE: Case No.: 91-472-SPH Petition for Special Hearing Cooper et ux Petitioners

Dear Mr. Commissioner:

Please enter an Appeal on behalf of Robert and Kathleen Cooper, petitioners and owners of the subject property concerning the above-captioned matter and the denial of the Deputy Zoning Commissioner dated August 22, 1991.

Their address is 204 North Rolling Road, Catonsville, MD 21228.

Please forward all correspondence and any information concerning this matter to my attention.

Enclosed herewith please find my check in the amount of \$150.00 covering the cost for said Appeal.

Very truly yours,

SED:djm Enclosure

> 6527:03/02/92 BY169:5845T

cc: People's Counsel cc: Robert & Kathleen Cooper



FILE COPY

November 13, 1991

Ms. Eleanor VanDevender 4402 Leeds Avenue Baltimore, MD 21229

> Re: Case No. 91-472-SPH Robert C. Cooper, et ux

Dear Ms. VanDevender:

In response to your telephone request, enclosed is a copy of the "Rule 8" material regarding the appearance of representatives of community groups before the Board of Appeals. This packet has been prepared by the Office of People's Counsel to assist community groups in complying with Rule 8 of the Board's Rules of Practice and Procedure. The completed forms must be submitted to the Board prior to the hearing.

Also as requested, your name and address and the address of the Maiden Choice Community Association have been added to the subject file. When this matter is scheduled for hearing, you will receive notification of the date, time, etc.

Should you have any further questions, please call me at 887-Sincerely,

> Kathleen C. Weidenhammer Administrative Assistant

Enclosure

MAIDEN CHOICE COMMUNITY ASSOCIATION, INC.

RESOLVED: That at the quarterly meeting of the Maiden Choice Community Association, Inc. held on January 14, 1992, it was voted by the Association that responsibility for review and action on all zoning matters for the period January, 1992 through January, 1993, be placed in the Board of Directors consisting of the following members:

Kathy Valderas Melinda Peugh Joyce Norris Linda Abner Peggy Rickle Mike Kilduff Dennis McLaughlin Eleanor VanDevender Bob Higdon Terry Geyer

AS WITNESS OUR HANDS AND SEAL this 18 day of March,

1992.

MAIDEN CHOICE COMMUNITY ASSOCIATION, INC.

6527:03/02/92 BYT69:5845T

AFFIDAVIT

STATE OF MARYLAND BALTIMORE COUNTY, SS:

TO WIT:

I HEREBY SWEAR, upon penalty of perjury, that the following persons are currently duly elected members of the Board of Directors of the Maiden Choice Community Association, Inc.:

> Kathy Valderas Melinda Peugh Joyce Norris Linda Abner Peggy Rickle Mike Kilduff Dennis McLaughlin Eleanor VanDevender Bob Higdon

Terry Geyer AS WITNESS OUR HANDS AND SEAL this

1992.

ATTEST:

MAIDEN CHOICE COMMUNITY ASSOCIATION, INC.

BYT69:5845T

ATTEST:

MAIDEN CHOICE COMMUNITY ASSOCIATION, INC.

RESOLVED: That the position of the Maiden Choice Community Association, Inc. as adopted by the Board of Directors on the zoning matter known as "Case No. 91-472-SPH, Robert C. Cooper, et ux., N/S Greystone Road" is that the Association opposes the non-conforming use of three apartments at this location.

AS WITNESS OUR HANDS AND SEAL this 1992.

ASSOCIATION, INC. President

MAIDEN CHOICE COMMUNITY

FEF, OF, WILLIAM

RE: 1250 GREYSTONE RO

Hobies C. Cooper Karalein) Cooper

RUBERT C. COOPER

KAITILEEN T. COOPER

204 No Relling Ro

BALTO, MD 2/128

361-747-7324

THE THERE TOLKE TOLKER CHESTE

OWNERS: 1250 GREYCTONE 20

BALTO., MO 21227

WE ARE ENCLUSING the Attachavit required by your office for a N. J Conformine Use Certificate. IF there are any questions, please call

Sincerely.

Dear HIN CONNER

MAIDEN CHOICE COMMUNITY ASSOCIATION P. O. Box 18262, Halethorpe, MD 21227

November 13, 1991

Board of Appeals 111 W. Chesapeake Avenue Baltimore, Maryland 21204

> Re: Case No. 91 472 SPH Robert C. Cooper, et ux. 1228 Greystone Road

Dear Sir or Madam:

PLEASE PRINT CLEARLY

Please add our Association to the list of interested parties in the captioned case.

We would like to be advised of any hearing dates scheduled in this matter.

Please contact me if you have any questions or require additional information.

Thank you for your cooperation.

Very truly yours,

MAIDEN CHOICE COMMUNITY ASSOCIATION

Clearer Kinneywooder Eleanor R. VanDevender

Zoning Chairperson CC: Mrs. Kathy Valderas

NAME BOB 1001FT, KATHY COOPER	ADDRESS ACH N. PULLING RO. BANGHO 204 N. Relling Ro. BANGHO
PLEASE PRINT CLEARLY PROTES	TANT(S) SIGN-IN SHEET
NAME	ADDRESS
HARRY C. ROBERTSON	1256 GREYSTONE ROAD
Reneral Prince Proces	was surface of
HENRY WILLIAMS	
HELEN WILLIAMS	<u> </u>
1120	

PETITIONER(S) SIGN-IN SHEET

AFFADAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the affiant and the affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto;

I have personal knowledge that the home located at 1250 Greystone Road, Baltimore, Maryland 21227 has been used as a 3 apartment dwelling since June, 1932. I also have personal knowledge that all apartments within the dwelling have been utilized as such continuously and uninterruptedly since June, 1932.

This personal knowledge is based upon: I am the nephew of the original owner of the property and lived in the home beginning 1943 at age 7 until the time I was grown. The property was originally built and used as a 3 apartment dwelling in 1932. The home was eventually inherited by my family, the Jensens', then sold in 1990 to the Coopers'.

STATE OF NEW JERSEY, COUNTY OF WAR to wit:

I HEREBY CERTIFY, this - day of the same, , 1991, before me, a Notary Public of the State of NEW JERSEY in and for the County aforesaid, personally appeared the affiant herein, personally known or satisfactorily identified to me as such affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of knowledge and belief.

AS WITNESS my hand and Notorial Seal



JANE C. SCHWETTMAN NOTARY PUBLIC OF NEW JERSEY My Commission Expires June 28, 1993 FEE SIMPLE DEED

VKATHERINE H. JENSEN

in the year one thousand nine hundred and ninety,

, of the first part. , in the State of Maryland of Baltimore County

ROBERT C. COOPER and KATHLEEN T. COOPER, HIS WIFE, of Baltimore City, State of Maryland, of the second part.

Hitnesseth. That in consideration of the sum of MNXXXIVARXXX and other good and valuable considerations, the receipt whereof is hereby acknowledged, the party of the first part

do es grant and convey unto the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them and the survivors' personal representatives and assigns. Katherine H. Jensen is exercising the powers set forth in Deed dated April 14, 1988 and recorded among the Land Records in Baltimore City inLiber S.M. No. 7845, folio 577,

lot of ground situate, lying and being in in fee simple, all , State of Maryland, now known as No. 1250 Greystone Road, Baltimore County and described as follows, that is to say:

BEGINNING for the same on the northeasternmost side of Second Avenue at the distance of three hundred and twenty-five feet more or less northwesterly from the corner formed by the intersection of the northeast side of Second Avenue and the northwest side of Leeds Avenue; and running thence northwesterly binding on the northeast side of Second Avenue forty feet; and running thence northeasterly parallel with Leeds Avenue one hundred and fifty feet; thence southeasterly forty feet to the southeasternmost line of Lot No. 44 as laid out on the Plat of Leeds; thence running southwesterly binding on said line one hundred and tilly feet to the beginning. Improvements thereon because known as No. 1250 Greystone Road.

BEING the southeasternmost forty feet of Lot No. 44 as laid out on the Plat of Leeds which Plat is recorded among the Plat Records of Baltimore County in Plat Back M.P.C. No. 5, folio 41.

BEING the same lot of ground which by Deed dated April 14, 1988, and recorded among the Land Records of Baltimore County in Liber S. M. 7845, folio 577 was granted & conveyed from The Kenwick Company unto the herein named Grantor, for life with full power of disposition during her lifetime, remainder unto Richard A. Jensen. It being the intention of the said Grantor herein to exercise the powers enumerated in the aforesaid Deed.



161*** 1216pb:a o11%A

LIDER 8 5 1 9 PAGE 4 D 2

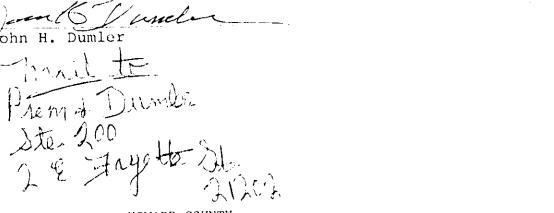
Conether, with the buildings and improvements thereupon erected, made or being; and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or in anywise appertaining.

To have and to hold, the lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them and the survivors' personal representatives and assigns, forever, in fee simple.

not done or suffered to be done And the said grantor hereby covenant's that she has any act, matter or thing whatsoever, to encumber the property hereby conveyed; that will execute such further will warrant specially the property hereby granted; and that she assurances of the same as may be requisite.

Hitness the hand and

With The Commence of the Commence of the ISPAIL Katherine H. Jensen



State of Maryland, BaltimurexCity, to wit:

WIINESS

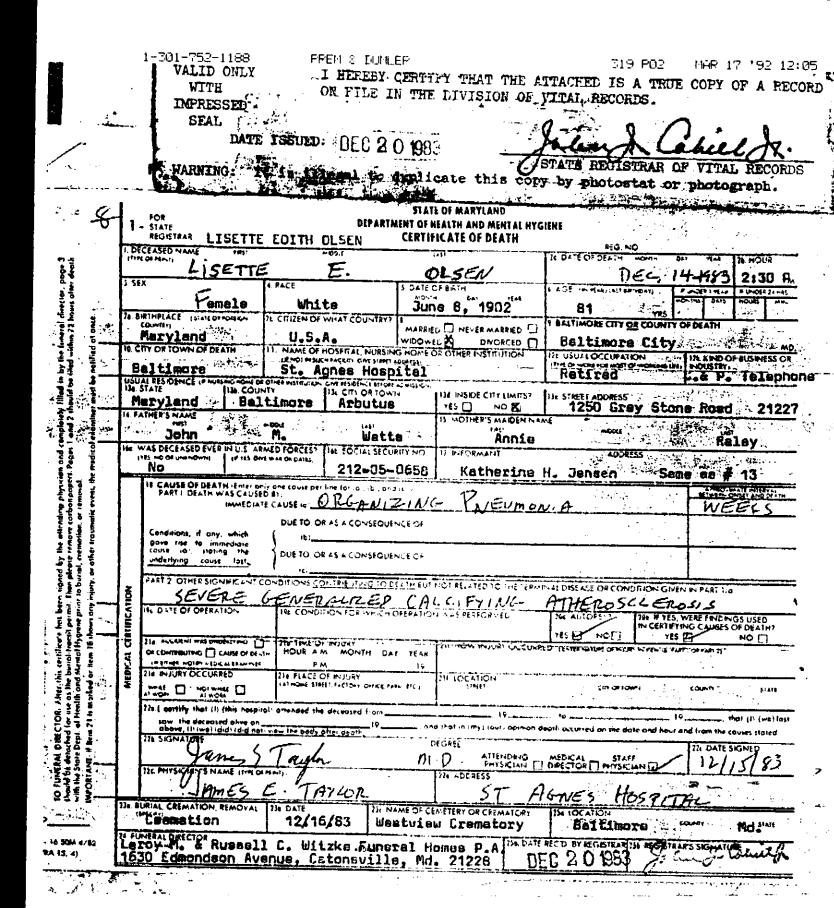
C T TX 380.00

C 2005 380.00

I hereby certify, that on this

, before me, the subscriber, in the year one thousand nine hundred and a Notary Public of the State of Maryland, in and for Barray aforesaid, personally appeared

acknowledged the foregoing deed to be



To the members of the Board of Appeals:

I Jeanette Auditore am familiar with the property located at 1250 Greystone Road. I am aware that the owners Mr. and Mrs. Cooper, have petitioned for a non-conforming use in case number 91-472-SPH.

I understand after talking with Mr. Robert Cooper that the Coopers will be proceeding with their petition before this Board asking that the property be declared a non-conforming use as two apartments. This letter is being written to state that I was a tenant in the second floor apartment for several years during the 1980s. I moved out of 1250 Greystone Road in January 1990. I support Mr. and Mrs. Cooper petition for non-conforming use as two

es Course Commen

